

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY
LITIGATION

CASE NO. 1:14-CV-01748
MDL 2545

JUDGE MATTHEW F. KENNELLY

This Document Relates to:

All Actions

DEFENDANTS' MOTION FOR LEAVE TO FILE NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS MOTION TO EXCLUDE PLAINTIFFS' EXPERT TESTIMONY ON THE ISSUE OF CAUSATION AND FOR SUMMARY JUDGMENT

Defendants AbbVie Inc. and Abbott Laboratories (collectively "AbbVie") respectfully move this Court for leave to file a notice of supplemental authority with respect to AbbVie's motion to exclude Plaintiffs' expert testimony on the issue of causation and for summary judgment (the "Causation Motion"). (ECF Nos. 1753, 1844.) AbbVie filed the Causation Motion on February 20, 2017, and filed a reply memorandum in further support of that motion on April 10, 2017. Subsequent to those filings, on April 13, 2017, the Superior Court of New Jersey issued its decision in *In re Accutane Litigation*, No. 271 MCL, 2017 WL 1362050 (N.J. Super. Law Div. April 13, 2017), granting defendants' motion to bar the testimony of certain causation experts. Relying upon both federal and state authorities, the *Accutane* court excludes the testimony of those causation experts because their opinions fail to adhere to the established medical-evidence requirements set forth in the *Reference Manual on Scientific Evidence*. AbbVie respectfully asks the Court to grant leave to submit notice of that opinion, attached hereto, as supplemental authority further supporting AbbVie's Causation Motion. *See, e.g.*, ECF No. 1753 at 11-14, 34-39, 48-49 (discussing the medical-evidence requirements set forth in the *Reference Manual*).

Dated: April 24, 2017

By:/s/ *David M. Bernick*

David M. Bernick
Paul, Weiss, Rifkind, Wharton &
Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Tel: (212) 373-3000
dbernick@paulweiss.com

Counsel for AbbVie Inc.

Nathan E. Hoffman
Dechert LLP
35 W. Wacker Dr., Suite 3400
Chicago, IL 60601-1608
Tel: (312) 646-5800
nathan.hoffman@dechert.com

Hope S. Freiwald
Friedrich-Wilhelm W. Sachse
Michelle Hart Yeary
Dechert LLP
2929 Arch St., Cira Centre
Philadelphia, PA 19104-2808
Tel: (215) 994-4000
hope.freiwald@dechert.com
will.sachse@dechert.com
michelle.yearly@dechert.com

*Counsel for AbbVie Inc. and
Abbott Laboratories*

CERTIFICATE OF SERVICE

I, David Bernick, hereby certify that on April 24, 2017, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ *David Bernick*

David Bernick